

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

SAMMY BUTLER,)	C.A. No. 6:04-23151-TLW
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
TOWN OF SALUDA, OFFICER)	
CHARLES HOLLOWAY,)	
ADMINISTRATOR JANICE ERGLE,)	
AND MEDICAL CARLENE RIDGELL,)	
LPN,)	
)	
Defendants.)	
)	
)	

In this *pro se* case, the plaintiff, a former pretrial detainee in the Saluda County Detention Center, alleges that the defendants violated his constitutional rights. In particular, the plaintiff alleges, in part, that the defendants: (1) were deliberately indifferent to his medical needs; (2) discriminated against him on account of his medical condition; and (3) failed to have criminal charges filed on demand against third parties . The defendants deny these allegations and have filed motions for summary judgment (Docs. # 22, 31, 34). The plaintiff opposes these motions.

This matter now comes before the undersigned for review of the Report and Recommendation (“ the Report”) filed by United States Magistrate Judge William M. Catoe, to whom this case had previously been assigned. In his Report, Magistrate Judge Catoe recommends that the defendants’ motions for summary judgment be granted. As

reasoned by the Magistrate Judge:

Defendants Town of Saluda and Sergeant Holloway argue that the plaintiff cannot maintain a claim of “ medical discrimination” against them because Saluda County is responsible for taking care of detainees at the detention center...This court agrees. With regard to any claims against these defendants for false arrest, the existence of a facially valid arrest warrant is fatal to such a claim.

Further, any purported due process claim fails because there is no constitutional right to have criminal charges filed on demand against third parties.

The plaintiff has failed to show either a serious medical need or that defendant Ridgell was deliberately indifferent to his need. In fact, the evidence shows that defendant Ridgell provided for numerous in-house medical calls for the plaintiff as well as visits to outside specialists.

The plaintiff makes no factual allegations against defendant Ergle, who is the administrator of the Saluda County Detention Center.

Importantly, the plaintiff has not filed any objections to the Report.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’ s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. As noted above, no objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

A *de novo* review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is **ORDERED** that the defendants’ motions for summary judgment are **GRANTED**

(Docs. # 22, 31, 34).

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
United States District Court Judge

January 11, 2006
Florence, South Carolina